

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff,

v.

RICHARD LOPEZ-RODRIGUEZ
Defendant

Criminal case no. 99-239 (JAF)
99-369 (JAF)

URGENT MOTION TO COMPEL DISCOVERY

TO THE HONORABLE JOSE A. FUSTE
UNITED STATES CHIEF JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, the Defendant, **Mr. Richard Lopez-Rodriguez**, by and through the undersigned attorney, and before this Honorable Court respectfully STATES and PRAYS as follows:

On July 10, 2008 USPO Luz Enid Aponte filed a motion for show cause hearing regarding defendant's supervised release.

On July 29, 2008, U.S. Magistrate McGiverin ordered the temporary detention of the defendant and advised defendant that a revocation hearing would be set before Chief Judge Fusté.

On August 5, 008, the undersigned counsel attempted informal disclosure of evidence from U.S. Probation Officer. Unfortunately, the U.S. Probation Officer disclaimed that discovery requested could only be provided if a motion was filed and granted by this court.

Therefore, the defendant requests, pursuant to Rule 32.1(a)(2)(B) of the Federal Rules of Criminal Procedure¹, an order directing the U.S. Probation Office to provide the following forthwith:

- (1) whether the defendant was referred to any type of drug treatment, and if so, name of physician, psychologist, program, etc;
- (2) regarding item #1, all appointments given to defendant;
- (3) regarding item #1, record of defendant's assistance to any appointments;

¹ Rule 32(a)(2)(B) provides that a person who's term if supervised release is to be revoked has a right to "disclosure of the evidence against the person."

- (4) all evidence of drug tests conducted on defendant while on supervised release;
- (5) copy of all monthly reports provided by defendant;
- (6) evidence of defendant's record of assistance at the U.S. Probation Office while on supervision;
- (7) evidence of defendant's employment history while on supervision;
- (8) evidence of defendant's alleged failure to pay child support;
- (9) any other evidence in support of motion requesting revocation of supervised release.

WHEREFORE, the defendant respectfully requests an Order granting the foregoing request.

RESPECTFULLY SUBMITTED.

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the, Court using the CM/ECF system which will send notification of such filing to the parties of record.

In San Juan, Puerto Rico, this 12th day of August, 2008.

JOSEPH C. LAWS, JR.
Federal Public Defender
District of Puerto Rico

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